

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JEFFREY WILLIAM PAUL

PETITIONER

v. **Civil No. 96-60022-001**

UNITED STATES OF AMERICA

RESPONDENT

ORDER

NOW on this 26th day of October, 2005, the Court takes note that petitioner has filed a Notice of Appeal (document #334), as well as a lengthy **Application for Certificate of Appealability** (document #338). Addressing the latter, the Court finds and orders as follows:

1. As noted by petitioner, this Court has the power to issue a certificate of appealability in a case where a habeas petitioner has made "a substantial showing of the denial of a constitutional right." **28 U.S.C. §2253** Contrary to petitioner's arguments, however, the Court does not believe he has met that burden.

2. The Court has thoroughly reviewed the said **Application for Certificate of Appealability** and finds it to be essentially a restatement and re-argument of contentions the Court has previously addressed and rejected. The Court does not believe it to be reasonably debatable that petitioner has stated a valid claim of the denial of a constitutional right nor that jurists of reason would find it debatable whether the trial court was correct in its procedural rulings.

3. Accordingly, for the reasons fully set forth in this

Court's previous orders, the Court finds no substantial showing of the denial of a constitutional right, and, therefore, hereby declines to issue a Certificate of Appealability pursuant to 28 U.S.C. § 2253. The **Application For Certificate Of Appealability** (document #338) is **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
U. S. DISTRICT JUDGE